Undoubtedly the correct view is that of Mr. Justice Miller in In re Thomas,[5] "Lawyers have a duty undoubtedly to their clients, but that is not the first duty as is generally supposed. Their first duty is in the administration of justice and their duty to their client is subordinate to that." It is only necessary to mention the dangerous precedent that is set in paying witnesses for testimony, the demoralizing effect upon the witness, and the close connection between payment for evidence of this kind and bribery therefor. The judge in this case recognizing the danger ordered O'Keefe disbarred for thirty days, this short sentence being given in view of extenuating circumstances.

L. G.

BANKRUPTCY: CONSTRUCTION OF EXEMPTION STATUTES: AUTOMOBILES.—That a person should be given a second chance to make good as a self-supporting citizen, seems to be the reason for the existence of bankruptcy statutes. The courts continue to enforce the spirit of this just provision of statute law by giving to words in those statutes a liberal construction. The ease with which the United States Circuit Court of Appeals of the Eighth Circuit in the case of *Patten et al. v. Sturgeon et al.*,[1] arrived at the conclusion that an automobile was a "carriage", within the meaning of the Oklahoma statute[2] which exempts to every family "one carriage or buggy" seems to be the result of this rule of liberal construction.

In the consideration of penal statutes the opposite rule of strict construction, which has led to several decisions[3] that an automobile was not a "carriage", usually prevails, although in some jurisdictions the courts in considering automobiles as "trucks, vans or wagons",[4] or "carriages"[5] show the tendency toward liberality.

In support of the principal case it may be said that the Court of Civil Appeals of Texas[6] has repeatedly held that in the interpretation of an exemption statute a liberal view should be taken, and has allowed the word "carriage" to include an automobile. The Court of Chancery in New Jersey[7] has decided that an automobile

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[5] (1888), 30 Fed. 242.

[1] (Apr. 14, 1914), 214 Fed. 65.

[2] Sess. Laws Okl. (1905), ch. 18, § 1, subd. 10.

[3] Commonwealth v. Goldman (1910), 205 Mass. 400, 91 N. E. 392; Doherty v. Town of Ayre (1908), 197 Mass. 241, 83 N. E. 677, 14 L. R. A. (N. S.) 816.

[4] Fifth Avenue Coach Co. v. City of New York (1909), 195 N. Y. 19, 16 Ann. Cas. 695.

[5] Scranton v. Laurel Run Turnpike Co. (1909), 225 Pa. 82, 73 Atl. 1063.

[6] Parker v. Sweet (Tex. Civ. App., 1910), 127 S. W. 881; Peevehouse v. Smith (Tex. Civ. App., 1913), 152 S. W. 1196; Hammond v. Pickett (Tex. Civ. App., 1913), 158 S. W. 174.

[7] Diocese of Trenton v. Toman (N. J. Eq., 1908), 70 Atl. 606.

was a "carriage" within the meaning of a covenant in a deed reserving a strip of land for a carriage-way. In California the question has not been decided but from a case before the Supreme Court of Iowa[8] in which a statute[9] similar to that of California[10] in the matter of the exemption of teams and vehicles, was being construed, the decision was that an automobile would come under the word "vehicle". This holding, together with the general rule of liberal construction[11] as it is followed in California in regard to exemption statutes, and the additional fact that the word "carriage" is used in the code, make it extremely likely that, should the question arise before the legislature takes up the matter, an automobile would be decided to be a "carriage" or a "vehicle".

G. H. G.

CARRIERS: ACT TO REGULATE COMMERCE: JUDICIAL REVIEW OF ORDERS OF THE INTERSTATE COMMERCE COMMISSION: LEGALITY OF SEPARATELY ESTABLISHED CHARGE FOR INDUSTRIAL SWITCHING.—The practical finality of orders of the Interstate Commerce Commission within the bounds of its administrative authority is attested by the recent decision of the United States Supreme Court in *Interstate Commerce Commission v. Atchison, Topeka and Santa Fe Railway Company*,[1] sustaining the commission's orders in the San Francisco and Los Angeles Switching Cases.[2]

It will conduce to a clear understanding of the issues presented in these proceedings if the explanation is made that carriers by rail customarily make delivery of carload freight by placing the cars in their yards at points to which the public has convenient access. The freight is then unloaded by the consignees and removed by means of drays from the railroad yards. This delivery is ordinarily termed "team track delivery". An industry whose freight traffic reaches large proportions finds it advantageous to secure the installation of a spur track between its plant or warehouse and the rails of the carrier in order that freight may be shipped and received without the expense and delay necessarily incident to drayage from the carrier's team tracks. Such delivery is customarily known as "spur track delivery". Under the general practice of carriers throughout the United States cars are placed upon private spur tracks without the collection of

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[8] Lames v. Armstrong (Iowa, 1913), 144 N. W. 1.

[9] Iowa Code, § 4008.

[10] Cal. C. C. P., § 690, subds. 3, 6.

[11] Matter of McManus (1890), 87 Cal. 292, 25 Pac. 413, 22 Am. St. Rep. 250.

[1] (June 8, 1914), 234 U. S. 294, 34 Sup. Ct. Rep. 814; Interstate Commerce Commission v. So. Pac. R. R. Co. et al. (June 8, 1914), 234 U. S. 315, 34 Sup. Ct. Rep. 820.

[2] Associated Jobbers v. A. T. & S. F. Ry. Co. (1910), 18 I. C. C. 310; Pacific Coast Jobbers and Mfr's Assoc. v. So. Pac. Co. et al. (1910), 18 I. C. C. 333.